

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NELSON LORA-PENA	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 06-442-SLR
v.	:	
	:	
FEDERAL BUREAU OF	:	
INVESTIGATION, UNITED STATES	:	
MARSHAL SERVICE, DEPUTY U.S.	:	
MARSHAL ROBERT DENNEY,	:	
DEPUTY U.S. MARSHAL JACK LEO,	:	
DEPUTY U.S. MARSHAL WILLIAM	:	
DAVID, SUP. DEP. U.S. MARSHAL	:	
THOMAS DAVIS, FUGITIVE	:	
APPREHENSION TASK FORCE,	:	
TASK FORCE OFFICER FLETCHER,	:	
TASK FORCE OFFICER DAILY, TASK	:	
FORCE OFFICER BOWERS, and STATE	:	
POLICE TROOPER HAHN	:	
	:	
Defendants.	:	

MOTION OF INDIVIDUAL DEFENDANTS TO EXTEND TIME TO ANSWER

The Individual Defendants respectfully move the Court to extend the time to answer the Complaint and state the following in support of their Motion:

1. On July 20, 2006, Plaintiff appeared pro se and filed the present action. On September 22, 2006, the Court reviewed the Complaint pursuant to 28 U.S.C. § 1915A and dismissed the claims against the named United States agencies. (Doc. No. 4 at 8.) The Individual Defendants are due to respond to the Complaint by December 18, 2006.
2. The Court may extend the time for the Individual Defendants to answer the Complaint for good cause. *See, e.g., Niemic v. Maloney*, 409 F. Supp. 2d 32, 37-38 (D. Mass. 2005).

3. All of the Individual Defendants were members and/or acting as part of the United States Marshal Service Fugitive Task Force at the time of the events referenced in the Complaint and have requested that the United States Attorney's Office for District of Delaware represent them in this matter.

4. The United States Department of Justice has received the representation requests from the Individual Defendants, but has not yet had an opportunity to process those requests. Accordingly, the United States Attorney's Office for the District of Delaware does not yet have the official authority to represent the Individual Defendants.

5. The United States Department of Justice has informed the undersigned that it expects that the representation requests will be approved in less than 30 days.

6. Counsel for the Government was unable to confer with the Plaintiff concerning this Motion because the Plaintiff is incarcerated. Plaintiff will suffer no prejudice by the brief delay.

7. Accordingly, the Individual Defendants respectfully submit that they have shown good cause for an extension of time to respond to the Complaint, and request the Court grant them an additional thirty (30) days to file their response. A proposed order is filed herewith.

DATED: December 15, 2006.

Respectfully Submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/ Seth M. Beausang
Seth M. Beausang (I.D. No. 4071)
Assistant United States Attorney
The Nemours Building
1007 Orange Street, Suit 700
Wilmington, DE 19801
(302) 573-6277

CERTIFICATE OF SERVICE

I, Seth M. Beausang, hereby attest under penalty of perjury that on this 15th day of December, 2006, I caused two copies of the Motion of Individual Defendants to Extend Time to Answer and Proposed Order to be served on the Plaintiff by First Class Mail at the following address:

Nelson Lora-Pena
I.D. No. 03883-070
U.S.P. Canaan
P.O. Box 300
Waymart, PA 18742

/s/ Seth M. Beausang
Seth M. Beausang (DE I.D. No. 4071)

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POLICE TROOPER HAHN	:	
	:	
Defendants.	:	

ORDER

AND NOW, this _____ day of _____, 2006, upon consideration of the Motion of the Individual Defendants to Extend Time to Answer, and all papers filed in support thereof and opposition thereto, good cause having been show for the requested extension, it is ORDERED that the Motion is GRANTED and the Individual Defendants must respond to the Complaint on or before January 17, 2006.

UNITES STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Seth M. Beausang, hereby attest under penalty of perjury that on this 15th day of December, 2006, I caused two copies of the Motion of Individual Defendants to Extend Time to Answer and Proposed Order to be served on the Plaintiff by First Class Mail at the following address:

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